United Nations S/RES/1596 (2005)

Security Council

Distr.: General
18 April 2005

Resolution 1596 (2005)

Adopted by the Security Council at its 5163rd meeting, on 18 April 2005

The Security Council,

Recalling its resolutions concerning the Democratic Republic of the Congo, in particular resolutions 1493 of 28 July 2003, 1533 of 12 March 2004, 1552 of 27 July 2004, 1565 of 1 October 2004 and 1592 of 30 March 2005, and *recalling* also the statements by its President concerning the Democratic Republic of the Congo, in particular on 7 December 2004,

Reiterating its serious concern regarding the presence of armed groups and militias in the Eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu and in the Ituri district, which perpetuate a climate of insecurity in the whole region,

Welcoming the fact that some of these groups and militias have started to submit an inventory of arms and related materiel in their possession, as well as their location, with a view to their participation in the programmes of disarmament, and *encouraging* those who have not yet done so rapidly to do so,

Expressing its readiness to review the provisions of its resolutions 918 of 17 May 1994, 997 of 9 June 1995 and 1011 of 16 August 1995 in a broader perspective, taking into account the implications of continued instability in the Eastern part of the Democratic Republic of the Congo for peace and security in the Great Lakes Region of Africa,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, and *declaring* its determination to continue closely monitoring implementation of the arms embargo imposed by resolution 1493 of 28 July 2003,

Recalling the importance for the Government of National Unity and Transition to implement without delay the integration for which it bears responsibility of the armed forces of the Democratic Republic of the Congo, by continuing to work within the framework of the Joint Commission on Security Sector Reform, and *encouraging* the donor community to provide coordinated financial and technical assistance for this task,

Commending the efforts made by the Secretary-General, the African Union and other actors concerned to restore peace and security in the Democratic Republic of the Congo and *welcoming in this regard* the Declaration adopted in Dar es Salaam on 20 November 2004 at the conclusion of the first summit of the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region of Africa,

Taking note of the reports of the Group of Experts established by paragraph 10 of resolution 1533, dated 15 July 2004 (S/2004/551) and 25 January 2005 (S/2005/30), transmitted by the Committee established in accordance with paragraph 8 of that resolution (hereafter the Committee), and of their recommendations,

Noting that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* the measures established by paragraph 20 of resolution 1493, dated 28 July 2003, and extended until 31 July 2005 by resolution 1552, dated 27 July 2004, *decides* that these measures shall from now on apply to any recipient in the territory of the Democratic Republic of the Congo, and *reiterates* that assistance includes financing and financial assistance related to military activities;

2. *Decides* that the measures above shall not apply to:

(a) Supplies of arms and related materiel or technical training and assistance intended solely for support of or use by units of the army and police of the Democratic Republic of the Congo, provided that the said units:

- have completed the process of their integration, or
- operate under the command, respectively, of the état-major intégré of the Armed Forces or of the National Police of the Democratic Republic of the Congo, or
- are in the process of their integration, in the territory of the Democratic Republic of the Congo outside the provinces of North and South Kivu and the Ituri district,

(b) Supplies of arms and related materiel as well as technical training and assistance intended solely for support of or use by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC),

(c) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as notified in advance to the Committee in accordance with paragraph 8 (e) of resolution 1533;

3. *Requests* MONUC, within its existing capabilities and without prejudice to the performance of its current mandate, and the Group of Experts referred to in paragraph 21 below to continue to focus their monitoring activities in North and South Kivu and in Ituri;

4. *Decides* that all future authorized shipments of arms and related materiel consistent with such exemptions noted in paragraph 2 (a) above shall only be made to receiving sites as designated by the Government of National Unity and

Transition, in coordination with MONUC, and notified in advance to the Committee;

5. *Demands* that all parties other than those referred to in paragraph 2 (a) above with military capabilities in Ituri, in North Kivu or in South Kivu, help the Government of National Unity and Transition implement its commitments regarding disarmament, demobilization and reintegration of foreign and Congolese combatants, and regarding security sector reform;

6. *Decides* that, during the period of enforcement of the measures referred to in paragraph 1 above, all governments in the region, and in particular those of the Democratic Republic of the Congo and of States bordering Ituri and the Kivus, shall take the necessary measures:

- To ensure that aircraft operate in the region in accordance with the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, in particular by verifying the validity of documents carried in aircraft and the licences of pilots,

- To prohibit immediately in their respective territories operation of any aircraft inconsistent with the conditions in that Convention or the standards established by the International Civil Aviation Organization, in particular with respect to the use of falsified or out-of-date documents, and to notify the Committee, and to maintain such prohibition until the Committee is informed by States or by the Group of Experts that these aircraft meet the said conditions and standards set forth in Chapter V of the Chicago Convention and determines that they will not be used for a purpose inconsistent with the resolutions of the Security Council,

- To ensure that all civilian and military airports or airfields on their respective territories will not be used for a purpose inconsistent with the measures imposed by paragraph 1 above;

7. *Further decides* that each government in the region, in particular those of States bordering Ituri and the Kivus, as well as that of the Democratic Republic of the Congo, shall maintain a registry for review by the Committee and the Group of Experts of all information concerning flights originating in their respective territories en route to destinations in the Democratic Republic of the Congo, as well as flights originating in the Democratic Republic of the Congo en route to destinations in their respective territories;

8. *Calls upon* the Government of National Unity and Transition to strengthen the monitoring of the activity of all airports and airfields, in particular those located in Ituri and in the Kivus, to ensure in particular that only customs airports are used for international air service, and *requests* MONUC, in airports and airfields where it has a permanent presence, to cooperate within its existing capability with the competent Congolese authorities, with a view to enhancing the capability of those authorities to monitor and control the use of airports;

9. *Recommends* in this context to States in the region, and in particular to those parties to the Declaration adopted in Dar es Salaam on 20 November 2004, to promote regional cooperation in the field of air traffic control;

10. *Decides* that, during the period of enforcement of the measures referred to in paragraph 1 above, the Government of the Democratic Republic of the Congo

on the one hand, and those of States bordering Ituri and the Kivus on the other hand, shall take the necessary measures:

- To strengthen, as far as each of them is concerned, customs controls on the borders between Ituri or the Kivus and the neighbouring States,

- To ensure that all means of transport on their respective territories will not be used in violation of the measures taken by Member States in accordance with paragraph 1 above, and notify MONUC of such actions,

and *requests* MONUC and the United Nations Operation in Burundi (ONUB), in accordance with their respective mandates, to provide assistance to this end, where they have a permanent presence, to the competent customs authorities of the Democratic Republic of the Congo and of Burundi;

11. *Reiterates its call* upon the international community, in particular the specialized international organizations concerned, notably the International Civil Aviation Organization and the World Customs Organization, to provide financial and technical assistance to the Government of National Unity and Transition with a view to helping it exercise effective control over its borders and its airspace, and *invites in this regard* the International Monetary Fund and the World Bank to provide assistance with a view to evaluating and improving the performance and enhancing the capacity of the Customs of the Democratic Republic of the Congo;

12. *Urges* all States to conduct inquiries into the activities of their nationals who operate or are associated with the operation of aircraft or other means of transport such as those referred to in paragraphs 6 and 10 above used for the transfer of arms or related materiel in violation of the measures imposed by paragraph 1 above, and if necessary to institute the appropriate legal proceedings against them;

13. *Decides* that, during the period of enforcement of the measures referred to in paragraph 1 above, all States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee as acting in violation of the measures taken by Member States in accordance with paragraph 1 above, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

14. *Decides* that the measures imposed by the previous paragraph shall not apply where the Committee determines in advance and on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of the Council's resolutions, that is peace and national reconciliation in the Democratic Republic of the Congo and stability in the region;

15. *Decides* that all States shall, during the period of enforcement of the measures referred to in paragraph 1 above, immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of this resolution, which are owned or controlled, directly or indirectly, by persons designated by the Committee pursuant to paragraph 13 above, or that are held by entities or controlled, directly or indirectly, by any persons acting on their behalf or at their direction, as designated by the Committee, and *decides further* that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities;

16. *Decides* that the provisions of the previous paragraph do not apply to funds, other financial assets and economic resources that:

(a) have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within four working days of such notification,

(b) have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee, or

(c) have been determined by relevant States to be the subject of a judicial, administrative or arbitration lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee pursuant to paragraph 15 above, and has been notified by the relevant States to the Committee;

17. *Decides* that, no later than 31 July 2005, it shall review the measures set forth in paragraphs 1, 6, 10, 13 and 15 above, in the light of progress accomplished in the peace and transition process in the Democratic Republic of the Congo, in particular with regard to the integration of the Armed Forces and of the National Police;

18. *Decides* that the Committee shall undertake, in addition to the tasks listed in paragraph 8 of resolution 1533, those hereafter:

(a) to designate persons and entities with respect to the measures set forth in paragraphs 6, 10, 13 and 15 above, including aircraft and airlines, and regularly to update its list,

(b) to seek from all States concerned, and particularly those in the region, information regarding the actions taken by them to enforce the measures imposed by paragraphs 1, 6, 10, 13 and 15 above, and any further information it may consider useful, including by providing all States with an opportunity to send representatives to meet the Committee to discuss in more detail any relevant issues,

(c) to call upon all States concerned, and particularly those in the region, to provide the Committee with information regarding the actions taken by them to investigate and prosecute as appropriate individuals designated by the Committee pursuant to subparagraph (a) above,

(d) to consider and decide on requests for the exemptions set out in paragraphs 14 and 16 above,

(e) to promulgate guidelines as may be necessary to facilitate the implementation of paragraphs 6, 10, 13 and 15 above;

19. *Demands* that all parties and all States cooperate fully with the work of the Group of Experts referred to in paragraph 21 below and of MONUC, and that they ensure:

– the safety of their members,

– unhindered and immediate access for the members of the Group of Experts, in particular by supplying them with any information on possible violations of the measures taken by Member States in accordance with paragraphs 1, 6, 10, 13 and 15 above, and by facilitating access of the Group of Experts to persons, documents and sites it deems relevant to the execution of its mandate;

20. *Requests* all States concerned, in particular those in the region, to report to the Committee, within forty-five days from the date of adoption of this resolution, on the actions they have taken to implement the measures imposed by paragraphs 6, 10, 13 and 15 above, and *authorizes* the Committee thereafter to request from all Member States any information it may consider necessary to fulfil its mandate;

21. *Requests* the Secretary-General, in consultation with the Committee, to re-establish, within thirty days from the date of adoption of this resolution, and for a period expiring on 31 July 2005, the Group of Experts referred to in paragraph 10 of resolution 1533 with the addition of a fifth expert for financial issues, and requests further that the Secretary-General provide the Group of Experts with the necessary resources to fulfil its mandate;

22. *Requests* the Group of Experts above to report to the Council in writing before 1 July 2005, through the Committee, including on the implementation of the measures set forth in paragraphs 1, 6, 10, 13 and 15 above;

23. *Decides* to remain seized of the matter.

United Nations S/RES/1597 (2005)

Security Council

Distr.: General
20 April 2005

Resolution 1597 (2005)

Adopted by the Security Council at its 5165th meeting, on 20 April 2005

The Security Council,

Reaffirming its resolutions 827 (1993) of 25 May 1993, 1166 (1998) of 13 May 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, 1481 (2003) of 19 May 2003, 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004,

Having considered the letter from the Secretary-General to the President of the Security Council dated 24 February 2005 (S/2005/127) transmitting the list of candidates for election as ad litem judges of the International Tribunal for the Former Yugoslavia,

Noting that the Secretary-General had suggested that the deadline for nominations be extended until 31 March 2005 and the President's reply of 14 March 2005 (S/2005/159) indicating that the Security Council had agreed to the extension of the deadline,

Having considered also the letter from the Secretary-General to the President of the Security Council dated 11 April 2005 (S/2005/236) that suggested that the deadline for the nomination of candidates for election as ad litem judges be further extended,

Noting that the number of candidates continues to fall short of the minimum number required by the Statute of the Tribunal to be elected,

Considering that the 27 ad litem judges elected by the General Assembly at its 102nd plenary meeting on 12 June 2001 whose term of office expires on 11 June 2005, should be eligible for re-election and wishing to amend the Statute for that purpose,

Noting that, should the cumulative period of service of an ad litem judge of the International Tribunal for the Former Yugoslavia amount to three years or more, this will not result in any change in their entitlements or benefits and, in particular, will not give rise to any additional entitlements or benefits other than those that already exist and which will, in such an eventuality, be extended pro-rata by virtue of the extension of service,

Acting under Chapter VII of the Charter of the United Nations,

05-31509 (E)

1. *Decides* to amend article 13 ter of the Statute of the International Tribunal for the Former Yugoslavia and to replace that article with the provision set out in the annex to this resolution;

2. *Decides further* to the Secretary-General's letter of 11 April 2005 (S/2005/236) to extend the deadline for nominations of ad litem judges under the amended provision of the Statute for a further 30 days from the date of the adoption of this resolution;

3. *Decides* to remain actively seized of the matter.

Annex

Article 13 ter
Election and appointment of ad litem judges

1. The ad litem judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council in the following manner:

(a) The Secretary-General shall invite nominations for ad litem judges of the International Tribunal from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to four candidates meeting the qualifications set out in article 13 of the Statute, taking into account the importance of a fair representation of female and male candidates;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than fifty-four candidates, taking due account of the adequate representation of the principal legal systems of the world and bearing in mind the importance of equitable distribution;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the twenty-seven ad litem judges of the International Tribunal. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected;

(e) The ad litem judges shall be declared elected for a term of four years. **They shall be eligible for re-election.**

2. During **any term**, ad litem judges will be appointed by the Secretary-General, upon request of the President of the International Tribunal, to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including three years. When requesting the appointment of any particular ad litem judge, the President of the International Tribunal shall bear in mind the criteria set out in article 13 of the Statute regarding the composition of the Chambers and sections of the Trial Chambers, the considerations set out in paragraph 1 (b) and (c) above and the number of votes the ad litem judge received in the General Assembly.

Security Council

Distr.: General
28 April 2005

Resolution 1598 (2005)

Adopted by the Security Council at its 5170th meeting, on 28 April 2005

The Security Council,

Recalling all its previous resolutions on Western Sahara, including resolution 1495 (2003) of 31 July 2003, resolution 1541 (2004) of 29 April 2004, and resolution 1570 (2004) of 28 October 2004,

Reaffirming its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in this respect,

Reiterating its call upon the parties and States of the region to continue to cooperate fully with the United Nations to end the current impasse and to achieve progress towards a political solution,

Urging the POLISARIO Front to release without further delay all remaining prisoners of war in compliance with international humanitarian law, and *calling upon* Morocco and the POLISARIO Front to continue to cooperate with the International Committee of the Red Cross to resolve the fate of persons who are unaccounted for since the beginning of the conflict,

Having considered the report of the Secretary-General of 19 April (S/2005/254), and taking note of his interim report of 27 January (S/2005/49),

1. *Decides* to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 October 2005;

2. *Affirms* the need for full respect of the military agreements reached with MINURSO with regard to the ceasefire;

3. *Calls on* Member States to consider voluntary contributions to fund Confidence Building Measures that allow for increased contact between separated family members, especially family unification visits;

4. *Looks forward* to receiving the results of the comprehensive review of the structure of the administrative and other civilian components of the mission, as outlined in the Secretary-General's report of 19 April (S/2005/254);

5. *Requests* that the Secretary-General provide a report on the situation in the Western Sahara before the end of the mandate period;

6. *Decides* to remain seized of the matter.

United Nations S/RES/1599 (2005)

Security Council

Distr.: General
28 April 2005

Resolution 1599 (2005)

Adopted by the Security Council at its 5171st meeting, on 28 April 2005

The Security Council,

Reaffirming its previous resolutions on the situation in Timor-Leste, in particular its resolutions 1543 (2004) of 14 May 2004 and 1573 (2004) of 16 November 2004,

Having considered the report of the Secretary-General of 18 February 2005 (S/2005/99),

Commending the people and the Government of Timor-Leste for the peace and stability they have achieved in the country, as well as for their continuing efforts towards consolidating democracy and strengthening State institutions,

Further commending the United Nations Mission of Support in Timor-Leste (UNMISET), under the leadership of the Special Representative of the Secretary-General, and welcoming the continuing progress made towards the completion of key tasks inscribed in its mandate, particularly during its consolidation phase, in accordance with Security Council resolutions 1543 (2004) and 1573 (2004),

Paying tribute to Timor-Leste's bilateral and multilateral partners for their invaluable assistance, particularly with regard to institutional capacity-building and social and economic development,

Expressing its appreciation to those Member States which have provided support to UNMISET,

Having considered the letter dated 20 January 2005, from the Prime Minister of Timor-Leste to the Secretary-General (S/2005/103),

Noting the Secretary-General's analysis of the need for a United Nations presence to remain in Timor-Leste after 20 May 2005, although at a reduced level,

Noting also that the emerging institutions in Timor-Leste are still in the process of consolidation and that further assistance is required to ensure sustained development and strengthening of key sectors, mainly rule of law, including justice, human rights, and support for the Timor-Leste police, and other public administration,

05-32631 (E)

Acknowledging the excellent communication and good will that have characterized relations between Timor-Leste and Indonesia including the decision to establish a Truth and Friendship Commission, and their land border agreement signed in Dili 8 April 2005, which covers approximately 96 per cent of the land border, and encouraging continued efforts by both Governments towards resolving this and all pending bilateral issues,

Acknowledging the Secretary-General's decision outlined in his letter to the Security Council dated 11 January 2005 (S/2005/96) to send a Commission of Experts to Timor-Leste and Indonesia to review the serious crimes accountability processes, and recommend further measures as appropriate,

Remaining fully committed to the promotion of long-lasting stability in Timor-Leste,

1. *Decides* to establish a one-year follow-on special political mission in Timor-Leste, the United Nations Office in Timor-Leste (UNOTIL), which will remain in Timor-Leste until 20 May 2006;

2. *Decides further* that UNOTIL will have the following mandate:

(i) to support the development of critical State institutions through provision of up to 45 civilian advisers;

(ii) to support further development of the police through provision of up to 40 police advisers, and support for development of the Border Patrol Unit (BPU), through provision of up to 35 additional advisers, 15 of whom may be military advisers;

(iii) to provide training in observance of democratic governance and human rights through provision of up to 10 human rights officers; and

(iv) to monitor and review progress in (i) through (iii) above;

3. *Requests* that, when implementing its mandate, UNOTIL emphasize proper transfer of skills and knowledge in order to build the capacity of the public institutions of Timor-Leste to deliver their services in accordance with international principles of rule of law, justice, human rights, democratic governance, transparency, accountability and professionalism;

4. *Requests further* that UNOTIL be led by a Special Representative of the Secretary-General, who will direct the operations of the mission and coordinate all United Nations activities in Timor-Leste through his office, with due attention to safety of personnel, and facilitated by appropriate levels of logistics support, including transportation assets, such as air transport when necessary;

5. *Requests* that the Secretary-General deploy some of the advisers, authorized in paragraph 2 (ii) above, to assist the National Police of Timor-Leste in developing procedures for and in training the Border Patrol Unit (BPU) and to assist the Timor-Leste Government in coordinating contacts with the Indonesian military, with the objective of transferring skills to the BPU to assume full responsibility for such coordination as soon as possible;

6. *Underlines* that United Nations assistance to Timor-Leste should be coordinated with the efforts of bilateral and multilateral donors, regional mechanisms, non-governmental organizations, private sector organizations and other